

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 29320 Permit 20334 License

**ORDER APPROVING ADDITIONAL SOURCE, REDISTRIBUTION
OF STORAGE, CHANGE IN POINT OF DIVERSION,
PLACE OF USE, PURPOSE OF USE AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 20334 was issued to Pieter S. Myers on May 31, 1989, pursuant to Application 29320.
2. Permit 20334 was subsequently assigned to EcoCorps and the Heirloom Land Trust.
3. A petition for change and an extension of time have been filed with the State Water Resources Control Board (SWRCB).
4. To resolve a protest, permit Condition 14 shall be updated to Standard Term 43ap, and a condition shall be added to reflect a senior water right.
5. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

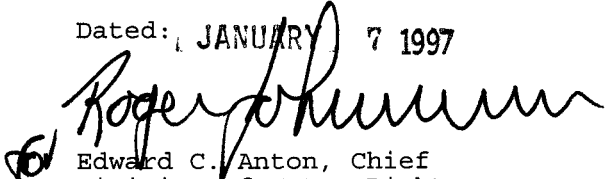
1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 31, 2000. (0000008)
2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 31, 2005. (0000009)
3. Condition 1 of the permit be amended to read:
 - 1) Unnamed Stream tributary to Coleman Valley Creek thence Salmon Creek thence Pacific Ocean; and
 - 2) Unnamed stream tributary to Finley Creek tributary to Salmon Creek thence Pacific Ocean. (0000001)
4. Condition 2 of the permit be amended to read:
 - 1) Within the NW¼ of NE¼ of projected Section 1, T6N, R11W, MDB&M. Also, described as California Coordinate System: Zone 2, North 268,550 and East 1,707,200.

- 2) Within the NW¼ of NE¼ of projected Section 1, T6N, R11W, MDB&M.
Also, described as California Coordinate System: Zone 2,
North 268,475 and East 1,706,725. (0000002)
5. Condition 3 of the permit be amended to read:
Irrigation, Domestic, Stockwatering, Recreational and Fire Protection. (0000003)
6. Condition 4 of the permit be amended to read:
At the unnamed reservoirs, within the NW¼ of NE¼ of projected Section 1, T6N, R11W, and within the SW¼ of SE¼ of projected Section 36, T7N, R11W, MDB&M; and irrigation of 20 acres, within the NE¼ of projected Section 1, T6N, R11W, MDB&M. (0000004)
7. Condition 5 of the permit be amended to read:
The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 20 acre-feet per annum to be collected from November 1 of each year to May 31 of the succeeding year as follows: 9 acre-feet per annum in Unnamed Reservoir #1, and 11 acre-feet per annum in Unnamed Reservoir #2. (0000005)
8. Condition 14 of the permit be amended to read:
Permittee shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoirs which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipes to the Chief of the Division of Water Rights for approval. Before storing water in the reservoirs, permittee shall furnish evidence which substantiates that the outlet pipes have been installed in each dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)
9. Condition 15 to be added to the permit to read as follows:
Permittee recognizes that this permit is specifically subject to the prior right of the Bodega Bay Public Utility District under appropriation issued pursuant to permitted Application 15960. Permittee guarantees that there shall be no infringement upon the prior rights of the Bodega Bay Public Utility District. (000000T)

Dated: JANUARY 7 1997


Edward C. Anton, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20334Application 29320 of Pieter S. Myers19999 Coleman Valley Road, Occidental, CA 95465filed on August 19, 1988, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed StreamColeman Valley Creek thenceSalmon Creek thencePacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section ★	Town- ship	Range	Base and Meridian
By California Coordinate System, Zone 2, North 268,550 feet and East 1,707,200 feet	NW¼ of NE¼	1	6N	11W	MD

County of Sonoma

★ Projected

3. Purpose of use:	4. Place of use:	Section ★	Town- ship	Range	Base and Meridian	Acres
Fire Protection						
Recreational						
Stockwatering	Unnamed Reservoir within NW¼ of NE¼ and	1	6N	11W	MD	
	SW¼ of SE¼	36	7N	11W	MD	
Irrigation	NE¼ of NE¼	1	6N	11W	MD	3
	NW¼ of NE¼	1	6N	11W	MD	6
	SW¼ of NE¼	1	6N	11W	MD	11
					Total	20

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 20 acre-feet per annum to be collected from November 1 of each year to May 31 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 31, 1992. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1993. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality

objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe or alternative facility to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that an outlet pipe or alternative facility has been installed. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:


Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **MAY 31 1989**

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights